

## **MINUTES OF PLANNING AND ZONING COMMISSION**

7:00pm, Wednesday, March 17, 2004

Present were Richard Grant – Chair, Marsha Jones, Doug Hill, Tim Healy, Roger Shanks, and Eva Spear. Also present was Tim McCumber, Zoning Administrator, Mike Slavney, Town Planner, Dana Jensen, Assistant Planner, and Judy Ashford, Town Clerk.

Grant called the meeting to order. The chair asked if the meeting was properly noticed, which it had been. The minutes of February 18, 2004 meeting were considered. Motion to approve by Healy, seconded by Jones. Motion approved.

Grant opened a Public Hearing regarding Planned Area Development PAD #13-04 commercial development of storage warehouse located tax parcel 0674-00000 (S7174 State Hwy. 78, formerly the Parrish property), application by Frank Grant, S7551 W. Grandview Ave., Merrimac, WI 53561. Grant read the legal notice into the record. Grant also announced to the audience that Frank Grant was his son and that neither Mr. Grant nor his wife, Nancy, had any financial interest in this matter. Grant announced that while he would later recuse himself from the discussion, he would oversee this hearing. Darren Bader spoke in favor of the proposal stating it would be a nice addition to the town and noting the lack of storage in the township. Nathan Taylor also spoke in favor noting the cleanup of the site was already an improvement and will add to the tax base. No persons appeared either opposing the project or as interest may appear. Grant closed this portion of the public hearing.

Grant next opened a Public Hearing regarding an amendment of Planned Area Development (PAD) #11-03 to include condominiums, application by Devil's Head Area Leasing Company, S6330 Bluff Rd., Merrimac, WI 53561. No persons spoke in favor or opposed to the amendment. Speaking as interest may appear, Sheila Donnell of Yum Yum Hill Rd. stated that she likes the relocation of the condos from the original plan that showed development in the bluff areas. She requested information about the acreage they will use and the density. She also questioned if a marketability study had been done and whether or not there would be any reforestation to replace any forested areas that may be lost. Marilyn Gorsuch-Froh of Yum Yum Hill Rd., wanted to know if there would be any school-aged children. Elaine Smith of Hwy. DL wanted to know where they would draw their water supply. Donnell then asked how they would handle sewage and rain water runoff. She also asked about the additional traffic and question a proposed entrance off of Yum Yum. Ann Wiecki of Rocky Glen on Bluff Rd. wanted to know if the Town could mail maps, photos, etc. as they become available. McCumber noted the expense is too prohibitive, but could consider case by case requests if necessary. Slavney noted that the Public Hearing notice that is mailed means these items are on file and can be viewed at the Town Hall by appointment. Smith wanted to know how the increased valuation would affect the tax base. With no further discussion, a motion to close the Public Hearing was made by Spear, seconded by Jones. Motion approved.

The first order of business before the commission was to discuss and consider preliminary review for PAD #13-04 for commercial development by Frank Grant. Richard Grant recused himself and the meeting was turned over to Jones. McCumber noted that Frank Grant had turned

in a plat showing all of the additions requested by the commission. McCumber noted Grant had brought in sample facia and that he had received a letter from the Department of Transportation approving the size and location of a proposed sign. McCumber stated that the plan was at a stage where it could be recommended to the Town Board for approval noting that standard conditions for approval should be added to the PAD and the inclusion of a no outside storage condition as Grant had agreed to at an earlier meeting. Slavney added that additional conditions should include full cut-off type lighting that directs the light down for any lighting over 70-watts, the trees should be salt tolerant shade trees, such as sugar maples or honey locusts with at least 1 ½ to 2 inches caliper as they have the best survival rate and fastest growth when compared to larger caliper trees. Grant brought forward light and facia samples for the commission to review. Motion was made by Shanks to recommend final approval to the Town Board with the conditions discussed, second by Healy. Motion approved.

The next item was to discuss and consider Development Plan/Preliminary Plat for amendment of PAD #11-03 to include condominiums of by Devil's Head Area Leasing Company, represented by Jamie Skowronski of Ramaker & Associates. McCumber noted that this proposal was originally presented in 2003 when the golf course was under consideration. Devil's Head withdrew the request at that time. The new proposal is in the same core area with additional units. After meeting with Devils Head, Grant, and Slavney, it was determined that this proposal could start at this stage of the process. Skowronski began discussion by stating that the entire property was brought under a PAD in 2003 at the request of the Town. This is an amendment to that PAD. He stated they originally withdrew the condos as to not slow down the golf course project. The condos will be along the baseline of the bluff. They have numerous private wells on sight and would utilize those for this project. A new sewage treatment facility is operational and was designed to handle a much larger development than what is proposed. He noted the Yum-Yum Hill Rd., entrance will be for emergency access only and would have a break away gate for fire and emergency equipment. The nature of the marketing of these condos would most likely not bring additional children to the community. The units will be priced around \$70,000 per quarter share and did not know how the taxes would be affected. The disturbance of trees would be minimal as it will be constructed along an existing trail and the desire is to blend the units into the scenery. The major portion where the turn around is located is already mostly clear of trees. Devils Head will manage the rental pool for unused time, similar to developments in the Wisconsin Dells, such as The Wilderness. Joe Vittengl of Devils Head noted that when they first appeared with condos in 2002, the company they were working with at the time had done a marketing study and felt those studies would not be much different today. Details of the contracts for sales have not been worked out. Skowronski noted the parking facilities would be in front of each unit. Some questions came from the floor and Slavney noted that details about the units themselves will come at a later stage. In follow up, Skowronski described a break away gate and noted the units will be mostly 2 bedrooms approximately 1,000 sq. ft. Slavney calculated the total acreage to be approximately 20 acres or approximately 5 units an acre. Slavney noted this is relatively low density as compared to typical projects he has seen; stating 8 units per acre is more common. Grant asked Ashford the mill rate and she noted it was about \$18.40 in the Baraboo Schools District where this project lies. It was estimated that these buildings will have a value of about \$250,000 each or approximately \$5,000 a year in property taxes. Grant discussed the valuation of construction and asked McCumber to report on new

building permits in 2004. McCumber noted that of the 10 permits issued so far, 6 were for new homes. The total value was about \$1.8 million or nearly 1/3<sup>rd</sup> of the value issued in 2003. Grant noted that the new road would be a private road bringing no additional expense to the town. He explained how the Department of Revenue (DOR) sets the valuation for the town and how the assessor determines the valuation based on the DOR values. Shanks noted that despite the lack of road expense, this project would still increase our taxes. Grant noted that we currently pay 67% of the fire protection district expense, which is based on our valuation. When the valuation goes up, so will our percentage. Slavney thought the plan was in good order and did not have any conditions to add at this time. Motion was made to approve the project to the next stage by Healy. Second by Hill. Motion approved.

The next item was to discuss and consider Preliminary Review/Recommendation of proposed PAD for residential development by Kindschi/Mitchell, represented by Jim Grothman of Grothman & Associates. McCumber reported that this property is zoned ag, however, it does lie in an area the development plan recommends for future development. If this plan should proceed, the Mitchell PAD (PAD #12-03) would be discontinued. McCumber noted this proposal makes better use of the Mitchell property and eliminates the usage of Oak Rd. into the Allbrite subdivision. McCumber noted that if possible, he would like to see Oak Rd. abandoned based on concerns residents had about runoff that would make the development of Oak Rd. impractical. McCumber also noted that approximately where lot #4 on the Mitchell portion is should be an out lot to potentially connect with an undeveloped road that comes over from Allbrite near Idlewild. Grothman opened his remarks by noting the plan that is shown is commonly referred to as a conservation plan and is a relatively new concept in developments. They are not routine in that the developer gives up a lot of space that could otherwise be developed. The large lots (later identified as A-D) along Hwy. 78 are between 8 and 10 acres and would have 1 home with acreage for hobby farming or small ag use. The portion closer to the lake side of the plan shows more density and is an area Kindschi notes is marginal for farming. The denser development has a road that breaks along a ridge with homes on both sides. The higher density portion would be less visible from the highway. The plan shows areas for water retention and includes approximately 8 acres of green space. There are medium sized parcels on the western edge (later identified as lots E – H), which are 1½ to 3 or 4-acre lots. Slavney noted that he would like to see homes on the large lots which he identifies at lots A-D have the homes placed on the southern part of the lot and away from the highway. At this point, Slavney also identified the medium lots as E-H to assist in discussions and for identification purposes. Grothman noted Slavney's comments about the location of structures and added that while they have not maximized the property for development, they are presenting a plan that could maximize the developers' profits. Grant asked Bob Smith of Allbrite Rd. about the runoff issues from the Mitchell property. The Mitchell PAD map was brought out and inaudible discussion ensued. Grant then noted that he would like to get rid of the exit onto Grace St. through McKenna Path, but would like to see a 2<sup>nd</sup> entrance into the development. Grant stated that we need emergency access similar to what we are recommending at Devils Head. Healy inquired as to the condition of McKenna Path presently and it was noted that it was drivable, but not developed. Healy thought a break away fire gate might be good for that road and that access to from Idlewild would not be practical for public traffic. Shanks stated a through road doesn't create more traffic, it would eliminate drive bys in that rather than coming in and going out the

same entrance, the traffic moves straight through. Grant noted that Grace is not up to spec and passing traffic through to Grace is not practical either. Grothman noted the plat for Grace was filed in 1974 and it is a 66' right-of-way. Grant asked for consideration of using Oak Rd. for emergency access. Slavney noted that he would like a pad along the Hwy. 78 lots to identify allowable ag uses and leaving about 800 feet of ag usage from Hwy. 78. He also thought the road could be wiggled to create a more natural feel to the area. He also advised that lots 23 & 24 could be relocated to the south of the green space area creating a more natural look to the entrance of the development by opening those lots to green space. He would also like to see the uses of the properties defined in covenants so the neighbors know what kinds of activities could occur. He also wanted to know who would be responsible for the maintenance of the green space. Grant said there needs to be a green space management plan and referred to the Heffron development at Waters Edge as having a good plan and good covenants. Grant felt covenants would be better handled by a home owners group rather than attempting enforcement by the town through the creation of local ordinances. Motion made by Spear to move this project to the next phase, second by Hill. Motion approved. McCumber noted a PAD needs to be filed and adequate time needed to be provided for a Public Hearing.

The next item was to discuss and consider the SmartGrowth Initiative Survey Results as presented by Jensen. Jensen provided comparative survey results to the initial survey done in 1993. She noted the results were very consistent with each other. Slavney noted the results indicate satisfaction with the town's implementation of the original development plan. He also noted a 30% response rate was more than double of what they typically see. Jensen reviewed highlights of the draft comprehensive plan background section. Slavney noted that this is laid out in accordance with state statute. It was agreed that some information needed to be amended in this draft and those items would be worked on between Jensen, Ashford, McCumber, and Grant. Jensen also presented materials for the Vision Workshop coming up on April 15.

McCumber reported that the building permits were reported earlier in the meeting. He added work was still progressing regarding the matter on Horseshoe Court. McCumber also noted that the Town Board had voted to take no action regarding UDC enforcement, thus leaving the Department of Commerce in charge of enforcement. Hill questioned that action noting the value of UDC compliance and Grant noted that the action does not eliminate UDC compliance; it just makes the state responsible for enforcing their own statutes.

Grant also provided the Commission with information regarding the passage of SB-67 by the state legislature. He noted the statute requires an annexing municipality be responsible for assuming the loss of revenues to the town from which the annexed property was taken for 5 years. He said the legislation was waiting for the governor's signature and it was believed it would be signed.

Motion to Adjourn by Hill, seconded by Spear. Motion carried.

Submitted by Tim McCumber, Zoning Administrator, Secretary